



City of San Marcos

630 East Hopkins
San Marcos, TX 78666

Meeting Minutes City Council

Tuesday, November 19, 2019

6:00 PM

City Council Chambers

630 E. Hopkins

I. Call To Order

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Hughson at 6:02 p.m. Tuesday, November 19, 2019 in the City Council Chambers, 630 E. Hopkins, San Marcos, Texas 78666.

II. Roll Call

Present: 7 - Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore and Council Member Maxfield Baker

III. Invocation

Reverend Craig DeYoung, with Our Lady of Wisdom University Parish provided this evening's invocation.

IV. Pledges Of Allegiance - United States And Texas

Devin Rodriguez, 2nd Grade Student at San Marcos Preparatory School, led the assembly in the pledges of allegiance.

V. 30 Minute Citizen Comment Period

Eric Martinez, voiced his support of the appointment to the Criminal Justice Reform committee. He looks forward to the recommendations that the committee will be bringing forward.

Phil Hutchinson made the following comments:

"My name is Phil Hutchinson, 202 E Mimosa Circle. I served on Planning and Zoning for 3 years back in 04,05 & 06 and later served on the Citizen's Utility Advisory board. I was president of the board of San Marcos Habitat for Humanity for 6 years and helped merge San Marcos Habitat with Austin Habitat which dramatically increased the investment by Habitat in our city. I also spend most Saturday mornings volunteering on Habitat build sites.

In my professional life I occasionally appear in front of planning commissions

or city councils to present on land developments.

I don't say all this to suggest I have any special expertise, only to add some texture to my comments. I have a personal commitment to affordable housing, the quality of development in San Marcos and some experience in the field of development.

I'm here to comment on a recent tweet by a city council person which I'd like to read:

"All the developers seeking to make big profits in SM from 'affordable housing' all have the same look: White, male, tall, wear blue blazers, money hungry, and emotionless... AND It feels damn good to vote against their proposed developments."

There are a few things that are disturbing about that tweet. It seems to be in violation of San Marcos Code of Ordinances 2.421 (a) General policy statement. It is the policy of the city that all city officials and employees shall conduct themselves both inside and outside the city's service so as to give no occasion for distrust of their integrity, impartiality or devotion to the best interest of the city and the public trust which the city holds.

This is the very first sentence in the Code of Ethics section of the ordinances. The bias expressed in this publicly shared tweet makes it impossible for anyone to believe this council person is objective, and the ethics review commission should investigate appropriate action. We can no longer be sure that an applicant has received or will receive an impartial assessment of their project, regardless of their race.

Also concerning is this person's criticism of "big profits" being made on affordable housing. The issue of affordable housing is extremely complex and is one being dealt with in cities all across the country. If we remove or marginalize profits for housing developers, we've eliminated an important tool in our effort to bring affordable housing to San Marcos.

I realize that an example has been set in this country for impulsive tweets. I just wonder if emulating our tweeter in chief is really where this council person wants to go or where we want to be as a city.

I urge you to take this matter seriously. The image of our city is an asset to be guarded and when one of us puts that image at risk it's the duty of those around that person to hold them accountable."

Gloria Salazar, spoke as a member of the Workforce Housing Taskforce, she brought up that the League of Women Voters had previously conducted a study that resembled the report that the workforce housing taskforce provided. This was an issue when the league was involved in back in early 2000s. She is asking that Council really try to bring affordable housing to San Marcos. Let's move forward.

CONSENT AGENDA

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockey Moore, to approve the consent agenda with the exception of Item # 1(A), and #3, which were pulled and considered separately. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 0

1. Consider approval, by motion, of the following meeting Minutes:
 - A. June 5, 2019 - Code SMTX Workshop Minutes
 - B. November 6, 2019 - Work Session Meeting Minutes
 - C. November 6, 2019 - Regular Meeting Minutes

A motion was made by Mayor Hughson, seconded by Council Member Baker, to postpone item 1(A) June 5, 2019 - Code SMTX Workshop Minutes. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 0

2. Consider approval of Ordinance 2019-37, on the third of three readings, granting to SiEnergy, LP, d/b/a SiEnergy, the right, privilege and franchise to construct, install, extend, remove, replace, abandon, operate and maintain its facilities within the public rights-of-way of the City of San Marcos, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; providing for severability; including procedural provisions; providing for approval on three readings of the ordinance; and providing an effective date.
3. Consider approval of Ordinance 2019-41, on the second of two readings, amending Chapter 2 of the San Marcos Development Code to establish a demolition review process, including a minimum waiting period, for the issuance of permits to demolish certain historic-age buildings, and declare an effective date.

MAIN MOTION: a motion was made by Mayor Hughson, seconded by

Council Member Baker, to approve Ordinance 2019-41, on the second of two readings.

MOTION TO AMEND: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockey Moore, to amend Ordinance 2019-41 by adding the following to section Section 2.7.4.3 Process:

C. Notification to be Provided to City Council

The City Manager, or his designee, shall notify the City Council of the final disposition of any application for a demolition permit within seven days after such final disposition.

The motion to amend carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 0

MAIN MOTION: to approve Ordinance 2019-41, on the second of two readings, as amended. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 0

4. Consider approval of Resolution 2019-226R, approving an Airport Facility Lease Agreement for Commercial Use with Gafford Aero, Inc. for property located at 1833 Airport Drive at the San Marcos Regional Airport for an initial term of five years with options to renew totaling twenty years with rental rate adjustments every five years; authorizing the City Manager or his designee to execute the lease on behalf of the City; and declaring an effective date.
5. Consider approval of Resolution 2019-227R, approving an Airport Facility Lease Agreement for Commercial Use with Gafford Aero, Inc. for property located at 1832 Airport Drive at the San Marcos Regional Airport for an initial term of five years with options to renew totaling twenty years with rental rate adjustments every five years; authorizing the City Manager or his designee to execute the lease on behalf of the City; and declaring an effective date.
6. Consider approval of Resolution 2019-228R, approving an Airport Facility Lease Agreement for Commercial Use with McKee Avionics, Inc. for property located at 1838 Airport Drive at the San Marcos Regional Airport for a two-year term; authorizing the City Manager or his designee to execute the lease on behalf of the City; and declaring an

effective date.

7. Consider approval of Resolution 2019-229R, approving the purchase of a 2020 Spartan Gladiator Telescoping Ladder Truck for \$1,546,772.00 and a 2020 Spartan Pumper Truck for \$733,267.00 for a total contract price of \$2,280,039 from Metro Fire Apparatus Specialists, Inc. through the Houston Galveston Area Council of Governments for use by the Fire Department; authorizing the expenditure of an additional estimated sum of \$75,000 through cooperative purchasing agreements for radios, computers, and other equipment for these vehicles; authorizing the city manager or his designee to execute all appropriate documents to complete the purchase; and declaring an effective date.
8. Consider approval of Resolution 2019-230R, approving an interlocal agreement with the Lower Colorado River Authority (LCRA) for the provision of various goods and services concerning electrical transmission, control and substation facilities and to include the City's ability to utilize cooperative purchasing laws to contract directly with LCRA vendors; authorizing the City Manager or his designee to execute the agreement on behalf of the City; and declaring an effective date.
9. Consider approval of Resolution 2019-231R, approving a contract with Techline, Inc., through a Cooperative Purchasing Interlocal Agreement with the Lower Colorado River Authority (LCRA), for the provision of materials and supplies to be used by the San Marcos Electric Utility in an annual amount not to exceed \$4,000,000.00; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
10. Consider approval of Resolution 2019-232R, approving a contract with McCoy Tree Surgery, through a Cooperative Purchasing Interlocal Agreement with the Lower Colorado River Authority ("LCRA"), for tree trimming services for the San Marcos Electric Utility in an annual amount not to exceed \$1,600,000; authorizing the City Manager or his designee to execute the contract on behalf of the City; and declaring an effective date.
11. Consider approval of Resolution 2019-233R, approving the award of a construction contract to M&C Fonseca Construction Company, Inc. for the Red Sky Waterline Improvement Project in the total amount of \$884,412.20; authorizing the City Manager or his designee to execute the appropriate documents related to the contract on behalf of the City; and declaring an effective date.
12. Consider approval of Resolution 2019-234R, authorizing a Change in Service to the agreement with Clean Earth of Alabama, Inc. for the provision of services relating to the Household Hazardous Waste Program to provide for a not to exceed annual price of \$75,000 bringing the total contract price to \$375,000 if the City renews the contract for four additional one-year terms; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.
13. Consider approval of Resolution 2019-235R, approving a Change in Service to the agreement with Abercrombie Planning and Design relating to design and construction

costs for phase one of the Fire Training Facility project in the amount of \$191,600 bringing the revised contract price to \$250,200; authorizing the City Manager or his designee to execute the appropriate documents to implement the change in service; and declaring an effective date.

14. Consider approval of Resolution 2019-236R, approving the appointment of Tammy Cook as Interim City Clerk, and an interim pay increase of ten percent to her base salary effective on December 1, 2019; and declaring an effective date.
15. Consider approval of Resolution 2019-242R, approving an annual State Use Contract between the City and Goodwill Temporary Services, Inc. through TIBH Industries, Inc. for the provision of janitorial services for the City of San Marcos in the estimated annual amount of \$535,928.51; authorizing the City Manager or his designee to execute this agreement on behalf of the City; and declaring an effective date.
16. Consider approval, by motion, of the appointment of Margaret J. Salinas as Acting Local Registrar overseeing Vital Statistics for the City of San Marcos, Texas.

PUBLIC HEARINGS

17. Receive a Staff presentation and hold the second of two public hearings to receive comments for or against Ordinance 2019-40, reestablishing the juvenile curfew for minors previously established by Ordinance No. 2009-28 and subsequently extended by Ordinance 2012-16; and declaring an effective date; and consider approval of Ordinance 2019-40, on the second of two readings.

A motion was made by Council Member Gonzales, seconded by Mayor Pro Tem Mihalkanin, to approve Ordinance 2019-40, on the second of two readings.

Mayor Hughson opened the Public Hearing at 6:24 p.m. There being no comments, the Mayor closed the Public Hearing at 6:24 p.m.

The motion to approve carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez and Deputy Mayor Pro Tem Rockeymoore

Against: 1 - Council Member Baker

18. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Ordinance 2019-43, amending section 6.2.2 of the planned development district standards for the Trace Planned Development District generally located East of IH-35 and South of Posey Road to allow two story multifamily residential buildings as the only required elevations without including three and four story buildings; and including procedural provisions; and consider approval of Ordinance 2019-43, on the first of two readings.

Michael Ostroski, Assistant Director of Development Services, provided a brief presentation.

Mayor Hughson opened the Public Hearing at 6:39 p.m.

Those who spoke:

Steven Hyden, asked if only two stories would be built. He wasn't sure by the presentation. He asked if this contradicts us doing higher density.

There being no further comments, the Mayor closed the Public Hearing at 6:40 p.m.

A motion was made by Council Member Gonzales, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2019-43, on the first of two readings. The motion carried by the following vote:

For: 4 - Council Member Gonzales, Mayor Hughson, Mayor Pro Tem Mihalkanin and Council Member Baker

Against: 3 - Council Member Derrick, Council Member Marquez and Deputy Mayor Pro Tem Rockeymoore

- 19. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2019-237R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Redwood Multifamily Housing Project located in the 1600 Block of Redwood Road; approving findings related to the application; imposing conditions for such non objection; providing authorizations for execution or submission of documents related to the application; and consider Resolution 2019-237R; and declaring an effective date.**

Michael Ostrowski, Assistant Director of Development Services, provided a brief presentation.

Mayor Hughson opened the Public Hearing at 6:50p.m.

Those who spoke:

Jake Brown, LDG Development, stated that Staff did a good job giving the Council a breakdown on the project. He stated that they will have a shuttle service Monday-Saturday, after school tutoring available based on demand, and financial wellness courses. He stated that they have worked with the Hays Caldwell Women's Center to reserve 5 of the 30% AMI units. They will have people that would qualify as good candidates and they would have first come

first serve over anyone else. He is here for any questions or comments the Council may have.

There being no further comments, the Mayor closed the Public Hearing at 6:53p.m.

MAIN MOTION: a motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockey Moore to approve Resolution 2019-237R.

MOTION TO POSTPONE: After Council discussion a motion was made by Mayor Hughson, seconded by Council Member Derrick, to postpone Resolution 2019-237R, to a future meeting in order to allow the Council committee to meet and discuss this project further. The motion to postpone carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockey Moore and Council Member Baker

Against: 1 - Council Member Marquez

- 20. Receive a Staff presentation and hold a Public Hearing to receive comments for or against Resolution 2019-238R, providing no objection to the submission of an application for low income housing tax credits to the Texas Department of Housing and Community Affairs for the proposed Lantana on Bastrop Multifamily Housing Project located at the intersection of South Old Bastrop Highway and Rattler Road; approving findings related to the application; imposing conditions for such non objection; providing authorizations for execution or submission of documents related to the application; and consider Resolution 2019-238R; and declaring an effective date.**

Michael Ostrowski, Assistant Director of Development Services, provided a brief presentation.

Mayor Hughson opened the Public Hearing at 7:23 p.m.

Those who spoke:

Mark Tolley, with Mission DG, addressed the Council and stated that if an entity is requesting a waiver of ad valorem there needs to be tangible remuneration to the community. He spoke about how they recently partnered with the Housing Authority and explained how they created an entity that will be a limited partner. He spoke about the amount of money that the San Marcos Housing Authority will be benefitting from this project. He stated that they have done everything that they can to make this financially feasible and also help the most people.

There being no further comments, the Mayor closed the Public Hearing at 7:26 p.m.

MOTION TO APPROVE: a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin to approve Resolution 2019-238R.

MOTION TO POSTPONE: after Council discussion, a motion was made by Council Member Derrick, seconded by Mayor Pro Tem Mihalkanin, to postpone Resolution 2019-238R to the December 3, 2019 regular City Council Meeting, pending a meeting of the Workforce Housing Committee. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 1 - Council Member Marquez

NON-CONSENT AGENDA

- 21.** Consider approval of Ordinance 2019-44, on the first of two readings, amending Chapter 2, Division 3 - Neighborhood Commission, Sections 2.111 And 2.113 of the San Marcos City Code to allow one representative to represent both Sector 1 and Sector 8, and update the Neighborhood Commission's Activities and Duties previously recommended by the Neighborhood Commission to the City Council; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Ordinance 2019-44, on the first of two readings. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 0

- 22.** Consider approval of Resolution 2019-239R, approving the issuance of revenue bonds in a principal amount not to exceed \$25,000,000 to be issued by New Hope Cultural Education Facilities Finance Corporation for a residential senior living project, to be known as the Villas Del San Xavier Senior Residences and located at 2301 South I-35 in San Marcos; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2019-239R. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 0

23. Consider approval of Resolution 2019-240R, casting all of the City's 478 votes in favor of Jane Hughson to serve on the Hays Central Appraisal District Board of Directors for a two year term commencing on January 1, 2020; and declaring an effective date.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockeymoore, to approve Resolution 2019-240R. The motion carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 0

24. Consider approval of Resolution 2019-241R, appointing an alternate member to the Capital Area Metropolitan Planning Organization ("CAMPO") Board; and declaring an effective date.

A motion was made by Council Member Derrick, seconded by Council Member Baker, to approve Resolution 2019-241R appointing Deputy Mayor Pro Tem Rockeymoore to the Capital Area Metropolitan Planning Organization ("CAMPO") Board as an alternate member. The motion carried by the following vote:

For: 6 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez and Council Member Baker

Against: 0

Abstain: 1 - Deputy Mayor Pro Tem Rockeymoore

25. Consider the appointment of the Mayor or a City Council Member to fill vacancies left by the departure of Council Member Lisa Prewitt on the following Boards or Committees:
- Capital Area Rural Transit System (CARTS) Board of Directors
 - Convention and Visitor Bureau Board
 - Economic Development San Marcos Board
 - Greater San Marcos Partnership Board of Directors
 - Main Street Board
 - Parking Advisory Board
 - Tax Increment Reinvestment Zone (TIRZ) #4 - Paso Robles aka Kissing Tree
 - Workforce Housing Committee
 - Multimodal Transit Committee
 - La Cima Committee
 - Sustainability Committee
 - Criminal Justice Reform Committee

The following Council Members were appointed to following

Boards/Commissions/Committees:

Convention and Visitor Bureau Board - Council Member Baker

Economic Development San Marcos Board - Council Member Baker

Greater San Marcos Partnership Board of Directors - Council Member Marquez

Main Street Board - Council Member Derrick

Parking Advisory Board - Mayor Pro Tem Mihalkanin

Tax Increment Reinvestment Zone (TIRZ) #4 - Paso Robles aka Kissing Tree - Deputy Mayor Pro Tem Rockeymoore

Workforce Housing Committee - Council Member Baker

Multimodal Transit Committee - Council Member Baker

La Cima Committee - Mayor Pro Tem Mihalkanin

Sustainability Committee - Council Member Baker

Criminal Justice Reform Committee - Council Member Marquez

26. Consider an appointment to fill a vacancy on the Planning and Zoning Commission, and provide direction to staff.

The following applicants were nominated for consideration to serve on the Planning and Zoning Commission:

William Agnew - nominated by Council Member Gonzales

Diana Baker - nominated by Deputy Mayor Pro Tem Rockeymoore

Diane Phalen - nominated by Council Member Baker

Forrest Fulkerson - nominated by Council Member Marquez

After an initial roll call vote, William Agnew and Diane Phalen received the majority of votes. Another roll call vote was taken and William Agnew received the majority of votes and was appointed to the Planning and Zoning Commission.

EXECUTIVE SESSION (If Necessary)

27. Executive Session in accordance with the following Government Code Section(s):

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Martindale ETJ matters

B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Molly

Executive Session was held during the Work Session this afternoon and it is not necessary this evening.

DIRECTION / ACTION FOLLOWING EXECUTIVE SESSION

28. Consider action, by motion, regarding the following Executive Session items held during the Work Session and/or Regular Meeting:

A. Section § 551.071 - Consultation with Attorney: to receive a staff briefing and deliberate regarding Martindale ETJ matters

B. Section § 551.087 - Economic Development: to receive a staff briefing and deliberate regarding Project Molly

Mayor Hughson stated direction was provided to Staff on item A and there was no action on Item B.

VI. Question and Answer Session with Press and Public.

None.

VII. Adjournment.

A motion was made by Deputy Mayor Pro Tem Rockeymoore, seconded by Council Member Gonzales, to adjourn the regular City Council Meeting at 8:16 p.m. The motion to adjourn carried by the following vote:

For: 7 - Council Member Gonzales, Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockeymoore and Council Member Baker

Against: 0

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor